

JUN 03 2003

BEFORE THE DEPARTMENT OF INSURANCE
STATE OF NEBRASKA

FILED

STATE OF NEBRASKA)	
DEPARTMENT OF INSURANCE,)	CAUSE NO.: A-1497
)	
PETITIONER,)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW,
vs.)	RECOMMENDED ORDER AND
)	ORDER
DERSHAUN A. LARK,)	
)	
RESPONDENT.)	

This matter came on for hearing on the 28th day of May, 2003, before Christine M. Neighbors, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The Nebraska Department of Insurance ("Department") was represented by its attorney, Mike Boyd. Dershaun A. Lark, ("Respondent"), was not present and was not represented by an attorney. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Evidence was introduced and the matter taken under advisement. As a result of the hearing, the hearing officer makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. Respondent was a resident licensed insurance producer at all times material hereto, whose registered home address with the Department is 904 Kasper Street, Apt. 304, Bellevue, NE 68147.
2. The Department is the agency of the State of Nebraska charged with licensing insurance producers and brokers.
3. The Petition and Notice of Hearing were filed on or about April 30, 2003, and were served upon the Respondent by mailing the same to her home address of record

by certified mail, return receipt requested. On or about May 5, 2003, Respondent received the Petition and Notice of Hearing as evidenced by the return receipt card attached to Exhibit 4 received by the Department on May 6, 2003.

4. On or about November 18, 2002, an insurer notified the Department of Insurance that it was canceling the appointment of Dershaun A. Lark. (Ex 3).

5. In a subsequent communication from the insurer, the Department received information that Respondent had a criminal prosecution brought against her in the case captioned *United States of America, Plaintiff v. Dershaun A. Lark, et al., Defendant*. On or about November 20, 2002, a three-count indictment was filed against Respondent. Count I alleged a Conspiracy to Defraud the United States/Commit Bank Fraud, and Counts II and III alleged Bank Fraud/Aiding and Abetting. (Ex 4).

6. Respondent did not report the criminal charges to the Department within thirty days as required by *Neb. Rev. Stat. §44-4065(2)*. (Ex 2).

7. On or about February 10, 2003, Respondent entered into a Plea Agreement in which she pleaded guilty to conspiring to commit bank fraud.

8. Respondent was sentenced to three years probation with three months community confinement and three months home confinement, a \$100.00 special assessment, restitution in the amount of \$149,826.00.

CONCLUSIONS OF LAW

1. The Department has jurisdiction and control over licensing of Respondent to sell insurance in the State of Nebraska pursuant to *Neb. Rev. Stat. §44-101.01* and *§44-4047 et seq.*

2. The Department has personal jurisdiction over Respondent.

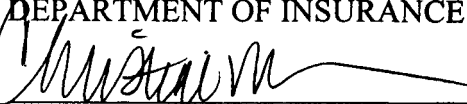
3. Respondent violated *Neb. Rev. Stat. §44-4059(1)(f)* when she was convicted of a felony or a Class I, II or III misdemeanor.

4. Respondent violated *Neb. Rev. Stat. §44-4059(1)(b)* when she failed to notify the Department of the criminal charges within thirty days of the date of her arraignment as required pursuant to *Neb. Rev. Stat. §44-4065(2)*.

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended that Respondent's resident insurance producer license be revoked.

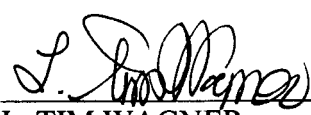
Dated this 30th day of May, 2003.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

HEARING OFFICER

CERTIFICATE OF ADOPTION

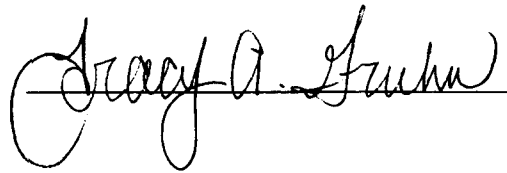
I have reviewed the Foregoing Findings of Fact, Conclusions of Law and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of the Department in the matter of the State of Nebraska Department of Insurance v. Dershaun A. Lark, Cause No.: A-1497.

Dated this 3rd day of June, 2003.

STATE OF NEBRASKA
DEPARTMENT OF INSURANCE

L. TIM WAGNER
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order and Order was served upon Respondent by mailing a copy to Respondent at 904 Kasper Street, Apt. 304, Bellevue, NE 68147 on this 3rd day of June 2003, by certified mail, return receipt requested.

A handwritten signature in cursive script, reading "Tracy A. Fuch", is written over a horizontal line.